

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

D.M. ROTTERMOND Inc., and DEAN
ROTTERMOND

Plaintiffs,

v.

TALINE SHIKLANIAN and TALINE'S
FINE JEWELRY, LLC

Defendants.

Case No. 21-cv-10393

Paul D. Borman
United States District Judge

Kimberly G. Altman
United States Magistrate Judge

ORDER:

- (1) REJECTING DEFENDANTS' OBJECTIONS TO MAGISTRATE JUDGE KIMBERLY G. ALTMAN'S JUNE 2, 2021 REPORT AND RECOMMENDATION, HOLDING DEFENDANTS IN CONTEMPT FOR VIOLATING THIS COURT'S PRELIMINARY INJUNCTION ORDER OF MARCH 22, 2021 AGAINST THEM (ECF No. 36);**
- (2) REJECTING PLAINTIFF'S PARTIAL OBJECTION TO THE JUNE 2, 2021 REPORT AND RECOMMENDATION (ECF No. 37);**
- (3) ADOPTING MAGISTRATE JUDGE KIMBERLY G. ALTMAN'S JUNE 2, 2021 REPORT AND RECOMMENDATION, GRANTING PLAINTIFF'S MOTION FOR ENTRY OF AN ORDER HOLDING DEFENDANTS IN CONTEMPT FOR VIOLATING THIS COURT'S PRELIMINARY INJUNCTION ORDER (ECF No. 35);**
- (4) FINDING DEFENDANTS IN CONTEMPT BY CLEAR AND CONVINCING EVIDENCE AND IMPOSING A \$100 FINE FOR EACH OF THE TWO CONTEMPT FINDINGS, FOR A TOTAL OF \$200;**
- (5) ORDERING THE PARTIES TO APPEAR BEFORE THIS COURT ON JULY 15, 2021 AT 10 A.M., TO DETERMINE PLAINTIFF'S REQUEST FOR REASONABLE COSTS AND ATTORNEY FEES.**

I

On June 2, 2021, after holding a hearing on May 19, 2021, Magistrate Judge Kimberly G. Altman issued a Report and Recommendation Granting in Part and Denying in Part Plaintiffs' Motion for Entry of an Order to Show Cause Why Defendants Should Not be Held in Contempt for Violating This Court's Order Granting Plaintiffs' Motion for Preliminary Injunction. (ECF No. 35.)

The Report and Recommendation finds that Plaintiff Rottermond's Motion for Show Cause/Contempt be granted as to the Defendants' two Facebook posts regarding Radiant Fine Jewelry, made on April 11, 2021 and April 14, 2021.

Having conducted a *de novo* review, pursuant to 28 U.S.C. § 636(b)(1), of those parts of the Magistrate Judge's Report and Recommendation to which the parties have made specific objections, this Court REJECTS the objections of Defendants and Plaintiff, and ADOPTS the June 2, 2021 Report and Recommendation. On July 15, 2021, after argument, the Court will order reasonable attorney fees and costs, which may or may not be proportionate to the fines imposed for contempt.

II

The Court concludes that the findings of civil contempt set forth in the Report and Recommendation have been established by clear and convincing evidence. The

Court also concludes that reasonable costs and attorney fees should be awarded to Plaintiff, the successful litigant on this Motion for Show Cause/Contempt.

CONCLUSION

The Court adopts Magistrate Judge Kimberly G. Altman's Report and Recommendation holding Defendants in contempt for two violations of this Court's Preliminary Injunction Order.

- (1) Defendants' objections to the Report and Recommendation (ECF No. 36) are REJECTED;
- (2) Plaintiff's objection to the Report and Recommendation (ECF No. 37) is REJECTED;
- (3) Magistrate Judge Kimberly G. Altman's Report and Recommendation finding Defendants in Contempt on two occasions for violating this Court's Preliminary Injunction Order (ECF No. 35) is ADOPTED;
- (4) The parties are ORDERED to appear before this Court on Thursday, July 15, 2021 at 10 a.m., where the Court will hear argument, and thereafter assess reasonable attorney fees and costs against Defendants for their

violations of this Court's Preliminary Injunction Order.

SO ORDERED.

Dated: July 1, 2021

s/Paul D. Borman

Paul D. Borman
United States District Judge